

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 - - - - - X

4 UNITED STATES OF AMERICA, : CR 12-350 (ILG)

5 :

6 -against-

7 :

United States Courthouse
Brooklyn, New York

8 PETER LIOUNIS, :

9 January 30, 2014

10 Defendant. : 10:00 o'clock a.m.

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12 TRANSCRIPT OF TRIAL
13 BEFORE THE HONORABLE I. LEO GLASSER
UNITED STATES SENIOR JUDGE, and a jury.

14 APPEARANCES:

15 For the Government:

LORETTA E. LYNCH
United States Attorney
BY: JUSTIN LERER
MICHAEL YAEGER
Assistant United States Attorneys
271 Cadman Plaza East
Brooklyn, New York

20 For the Defendant:

MICHAEL H. GOLD, ESQ.
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22 Court Reporter:

Gene Rudolph
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25 Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 (The following occurred in the absence of the jury.)

2 THE CLERK: Criminal cause on trial, the United
3 States versus Peter Liounis.

4 THE COURT: All right. Is the government ready?

5 MR. YAEGER: Yes, Your Honor.

6 MR. LERER: We are, Your Honor.

7 The defense counsel is discussing a possible
8 stipulation.

9 MR. GOLD: Okay. Fine.

10 MR. LERER: Okay. We will just write out the
11 stipulation very quickly.

12 (Pause.)

13 THE COURT: We are going to get the jury.

14 MR. YAEGER: Yes, Your Honor.

15 (Jury present.)

16 THE COURT: Good morning. Thank you very much for
17 being so prompt.

18 The government is ready to proceed? Call your next
19 witness.

20 MR. YAEGER: We are, Your Honor.

21 The United States calls Ms. Ronnie Loesch.

22 THE CLERK: Please stand over here and raise your
23 right hand.

24 THE WITNESS: Okay.

25 (The witness is duly sworn/affirmed by Clerk of

Loesch - direct - Lerer

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1 Court.)

2 THE CLERK: Please be seated.

3 Please state your full name and spell it for the
4 record.

5 THE WITNESS: Veronica Loesch, L O E S C H.

6 DIRECT EXAMINATION

7 BY MR. LERER:

8 Q Good morning, ma'am.

9 A Good morning.

10 Q Are you currently working?

11 A No.

12 Q Are you retired?

13 A Yes, I am.

14 Q What job did you retire from?

15 A The United States Postal Service.

16 Q How long did you work for the United States Postal
17 Service?

18 A Twenty-seven years.

19 Q At which post office did you last work?

20 A The New York Post Office on Hylan Boulevard in Staten
21 Island 10306.

22 Q Let me direct your attention to early 2012.

23 What was your job at the New Dorp post office?

24 A I was what they call a registered mail clerk.

25 Q What does the registered mail clerk do?

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1 A They are the ones that take all the accountable mail, the
2 Express mail, registered mail and the certified mail and
3 account for it.

4 Q What is Express mail?

5 A That's overnight delivery, delivery by 12:00 o'clock or
6 3:00 o'clock the next day.

7 Q Is that the fastest mail service the post office offers?

8 A Yes, it is.

9 Q As part of your job, did you see all Express mail
10 packages coming into and out of the New Dorp post office?

11 A Yes, I did.

12 Q As the registered mail clerk, did you become familiar
13 with the addresses that the post office served?

14 A Yes; my job is to memorize addresses, street names.

15 Q In particular, did you become familiar with 59 Genesee
16 Avenue?

17 A Yes, I did.

18 Q Why that address?

19 A Because when you see an address over and over, it just
20 sticks out in your mind and I had to get that Expresses to the
21 carriers if they were leaving early. So I had to make sure
22 that if I had any -- anything for 59 Genesee I had to get it
23 to the carrier to leave on time.

24 Q So do I understand you correctly, that that address,
25 59 Genesee Avenue, received a lot of Express mail?

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1 A Yes.

2 Q Let me direct your attention to March 2011.

3 Did a United States postal inspector named Michelle
4 visit you at the New Dorp post office?

5 A Yes, she did.

6 Q Is that Michelle sitting at the government's table?

7 A Yes.

8 Q That was indicating Michelle Purnavel.

9 Did Michelle give you an instruction regarding what
10 to do the next time an Express mail package came to the post
11 office for 59 Genesee?

12 A Yes, she did.

13 Q Based on what Michelle told you, what did you do next
14 time an Express mail package came for that address?

15 A I had to call her in the morning, when all the Expresses
16 came in, when that one especially came in.

17 Q Did one come in?

18 A Yes, it did.

19 Q Did you call Michelle?

20 A Yes, I did.

21 Q Did Michelle come to the New Dorp post office?

22 A Yes, she did.

23 Q Did you give the package to Michelle?

24 A Yes, I did.

25 Q I am going to show you a document, the third page of

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1 Government Exhibit 71 in evidence. It is also in front of
2 you. It may end up being a little bigger on the screen in
3 front of you, if you want.

4 Is that a photograph of the package that you gave to
5 Michelle?

6 A Yes, it is.

7 Q I am going to try to zoom in to the date.

8 What was the date for that package?

9 A March 21, 2012.

10 Q When Michelle took the package from you, did that delay
11 its arrival at 59 Genesee?

12 A Yes, it does.

13 Q Did you receive any phone calls about the package that
14 was now late?

15 A Yes, I did.

16 Q I am going to show you -- you have it in front of you --
17 Government Exhibit 14, which is 130 pages. I will just put
18 the first page on the screen.

19 Did you review the phone records in Government
20 Exhibit 14 in preparation for your testimony?

21 A Yes, I did.

22 Q These are phone records for 917-370-6944?

23 A Yes.

24 Q I will show you Government Exhibit 122. It is before you
25 in your pile of documents.

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1 A Okay.

2 Q Did you make a mark each time you saw the New Dorp post
3 office's number around March 21, 2012?

4 A Yes, I did.

5 Q Did you place your initial at the top of those pages?

6 A Yes, I did.

7 MR. LERER: The government offers Exhibit 122.

8 MR. GOLD: No objection.

9 THE COURT: It is received.

10 (Marked.)

11 MR. LERER: I will publish it on the screen.

12 Q Those are your initials at the top right?

13 A Yes, they are.

14 Q On the second page as well?

15 A Yes, it is.

16 Q How many calls did you mark for March 22nd?

17 A Two.

18 Q Indicated by these marks on Government Exhibit 122?

19 A Yes.

20 Q What was the date the package should have arrived if
21 Michelle had not taken it?

22 A The 22nd of March.

23 Q Do you remember getting calls that day about the package?

24 A Yes, I do.

25 Q What was the caller asking you about the package?

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1 A If the package had come in because he did not receive it.

2 Q Michelle still had the package, right?

3 A Yes, she did.

4 Q Did Michelle return the package on the next day,
5 March 23, 2012?

6 A Yes.

7 Q And then did it go back into the stream of mail to be
8 delivered?

9 A Yes, it did.

10 Q Did you mark a call for March 23rd as well?

11 A Yes, I did.

12 Q That was the date the package was actually delivered?

13 A Yes, it was.

14 Q Do you remember talking to the man again on March 23rd?

15 A Yes.

16 MR. LERER: I have no further questions.

17 THE COURT: Mr. Gold?

18 MR. GOLD: No questions.

19 THE COURT: Thank you very much, Ms. Loesch. You
20 are excused.

21 THE WITNESS: Thank you.

22 (Witness excused.)

23 THE COURT: Your next witness is?

24 MR. LERER: Mark Leonidov, Your Honor.

25 THE CLERK: Please stand over here and raise your

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1 right hand.

2 (The witness is duly sworn/affirmed by Clerk of
3 Court.)

4 THE CLERK: Please be seated.

5 Please state and spell your full name for the
6 record.

7 THE WITNESS: Mark Leonidov, M A R K,
8 L E O N I D O V.

9 DIRECT EXAMINATION

10 BY MR. LERER:

11 Q Good morning.

12 A Good morning.

13 Q Sir, what do you do for a living?

14 A I am -- I work at a shipping store.

15 Q What's the name of the shipping store?

16 A The Mail Drop.

17 Q How long have you worked at the Mail Drop?

18 A About four years.

19 Q Are you testifying today pursuant to a subpoena?

20 A Yes.

21 Q Where is The Mail Drop located?

22 A 1204 Avenue U.

23 Q In what borough?

24 A In Brooklyn, New York.

25 Q You have a photo before you, Government Exhibit 60-B in

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1 evidence. I will also put it on the screen.

2 Is that The Mail Drop?

3 A Yes.

4 Q The place where you work?

5 A Correct).

6 Q What type of services does The Mail Drop provide?

7 A We do all types of shipping services. We have all the
8 carriers, such as DHL, FedEx, UPS, post office, as well as we
9 have private mailboxes for rent.

10 Q I will ask you to just speak slightly slower.

11 A We do all types of shipping services, such as Fed Ex,
12 UPS, DHL, post office, and we have private mailboxes for rent.

13 Q Thank you.

14 Does The Mail Drop rent mailboxes to individuals, to
15 companies or to both?

16 A To both.

17 Q How big is the store, The Mail Drop?

18 A About 600 square feet.

19 Q How many floors?

20 A Just storefront, first floor.

21 Q Does The Mail Drop rent office space?

22 A No.

23 Q Does The Mail Drop provide secretarial services?

24 A No.

25 Q Does The Mail Drop provide suites for its customers?

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1 A No.

2 Q Will The Mail Drop accept mail delivered to an address
3 that says suite?

4 A Yes.

5 Q If an address -- if mail goes to, let's say, Suite 1059,
6 what does the suite mean?

7 A That just simply means it is their mailbox number and it
8 will go to the mailbox 1059.

9 Q Are you familiar with the building on top of
10 1204 Avenue U, which is depicted in Government Exhibit 60-B?

11 A Yes; it's a residential building.

12 Q I will show you Government Exhibit 88. It is in front of
13 you, actually.

14 Do you recognize that document?

15 A Yes, I do.

16 Q What is it?

17 A It's a standard form for a mailbox rental from the post
18 office.

19 Q Is this a form that The Mail Drop regularly uses as part
20 of its business?

21 A Yes.

22 Q Was this form kept by The Mail Drop as part of its
23 regular course of business?

24 A Yes.

25 MR. LERER: The government offers Exhibit 88.

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1 MR. GOLD: No objection.

2 THE COURT: It is received.

3 (Marked.)

4 MR. LERER: I will publish it as well on the screen.

5 Q What's the title of the document?

6 A It's Application For Delivery of Mail Through Agent.

7 Q Turning to the field 3-A; what mailbox is this form for?

8 A 1059.

9 Q Looking at field six, who is the renter?

10 A Irina Yarova.

11 Q Was this an application for a company or an individual?

12 A This was for an individual.

13 Q Did the Mail Drop give Irina Yarova a mailbox?

14 A Yes.

15 Q I will show you Government Exhibit 88-A. The prior
16 exhibit was 88.

17 Do you recognize the two documents that comprise
18 Government Exhibit 88-A?

19 A Yes, I do.

20 Q Where did those documents come from?

21 A From our computer system.

22 Q Is the information on these documents entered and stored
23 in the ordinary course of business at the Mail Drop?

24 A Yes.

25 MR. LERER: The government offers Exhibit 88-A.

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1 MR. GOLD: No objection.

2 THE COURT: It is received.

3 (Marked.)

4 MR. LERER: I will publish the first page on the
5 screen.

6 Q There is a fax cover line at the top.

7 A A hum.

8 Q Does that come from your faxing the documents to my
9 office?

10 A Correct; that's our fax number.

11 Q That's not part of the original part at the top, the fax?

12 A Correct.

13 Q Of what mailbox is this a record for?

14 A 1059.

15 Q When was the account for mailbox 1059 opened?

16 A April 6, 2010.

17 Q That's marked towards the top of the document, on the
18 list of dates?

19 A Correct.

20 Q It says, key deposit. What does that mean?

21 A That simply means they put up \$15.00 key deposit. Once
22 they are done with the mailbox, they can return the key and
23 get their key deposit back.

24 Q Can only the individual who receives the key open the
25 mail box or can anyone who has the key do it?

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1 A If someone -- if they give the key to someone,
2 can open the mail box for them.

3 Q The fee to rent this mailbox, was it paid every three
4 months?

5 A Yes. This one was paid every three months.

6 Q What was the fee every three months?

7 A \$45.

8 Q Government Exhibit 89 should be before you at the table.

9 As part of the process of renting mailbox 1059, The
10 Mail Drop make copies of identification documents from Irina
11 Yarova?

12 A Yes.

13 Q Were the copies of those identifying documents, are those
14 the documents in Government Exhibit 89?

15 A Yes.

16 Q Were those kept on file at The Mail Drop?

17 A Yes.

18 MR. LERER: The government offers Exhibit 89.

19 MR. GOLD: No objection.

20 THE COURT: It is received.

21 (Marked.)

22 Q The first page of 89, the picture is a little hard to
23 see. What type of identification is that?

24 A It's a college ID.

25 Q For who?

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1 A Irina Yarova.

2 Q The third page, what's that?

3 A It's also identification that was provided.

4 Q From Ms. Yarova?

5 A Yes.

6 Q What about the fourth page, Government Exhibit 89?

7 A That is as well her identification, her passport, for
8 Irina Yarova.

9 Q Was mailbox 1059 ever converted to a corporate account?

10 A Yes. A company was added.

11 Q What has to be done to add a company to an account?

12 A They have to provide documentation from the State of New
13 York, such as like a filing receipt or corporate documents
14 from the state.

15 Q Were those type of documents provided for Box 1059?

16 A Yes.

17 Q Please take a look at Exhibit 89-A, a four-page document
18 before you.

19 Do you recognize those documents?

20 A Yes.

21 Q Were those documents kept in The Mail Drop file for
22 mailbox 1059?

23 A Yes.

24 Q Looking through the documents, who is listed as the filer
25 for the documents on the first page, the signature?

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1 A Irina Yarova.

2 MR. LERER: The government offers 89-A.

3 MR. GOLD: No objection.

4 THE COURT: It is received.

5 (Marked.)

6 MR. LERER: I will publish it on the screen.

7 Q This is a Certificate of Correction for the Articles of
8 Organization of what company?

9 A Grayson Hewitt Funding.

10 Q Who is the signatory for this document?

11 A Irina Yarova.

12 Q Turn to the second page.

13 Another corporate document for Grayson Hewitt,
14 correct?

15 A Yes.

16 Q Who is the filer?

17 A Irina Yarova.

18 Q And what address?

19 A 1204 Avenue U, Suite 1059, Brooklyn, New York 11229.

20 Q That just means the mailbox 1059 in your store?

21 A Correct.

22 Q The third page, another corporate document; the same name
23 and address?

24 A Yes.

25 Q Actually, it looks a little different. Irina Yarnova,

Leonidov - direct - Lerer

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1 Y A R N O V A?

2 A Yes.

3 Q I will return to Government Exhibit 88-A. I will take
4 you to the second page of that document.

5 In addition to Irina Yarova, spelled this time

6 Y A R O V A, who is listed as a renter for mailbox 1059?

7 A Grayson Hewitt Funding.

8 Q Do Grayson Hewitt Funding and Irina Yarova still rent
9 that mailbox?

10 A No.

11 Q I will turn to the first page of 88-A.

12 Looking at the second to last line, what happened on
13 December 5, 2011?

14 A It was renewed for three months, until April 5, 2012.

15 Q So someone paid \$45 to renew for three months?

16 A Correct.

17 Q I take it, you have to renew a month in advance? That's
18 why it is in December?

19 A Well, they renewed a month in advance, but it actually
20 went, I believe, from January -- I guess they paid a little
21 early in that one.

22 Q It was renewed through April 5, 2012?

23 A Yes.

24 Q Did they ever renew again?

25 A No.

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1 Q Did they ever pay again at all?

2 A No.

3 After that, we waited I guess about two months and
4 we just closed it. Never giving back the key deposit either.

5 Q Closed for nonpayment?

6 A Correct.

7 MR. LERER: I have no further questions.

8 THE COURT: Mr. Gold?

9 CROSS-EXAMINATION

10 BY MR. GOLD.

11 Q Good morning.

12 A Good morning.

13 Q I didn't hear the beginning of your -- the first answers
14 to your first questions.

15 When did you start working for The Mail Drop?

16 A About four years ago.

17 Q Are you physically present at the location?

18 A Most of the time, yes.

19 Q For your job?

20 A Yes.

21 Q I ask you to look at the table over to your left and
22 there is a gentleman with a striped tie, top button of his
23 shirt open. Have you ever seen him before?

24 A No.

25 MR. GOLD: No further questions.

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Cinnamo - direct - Yaeger

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1 THE COURT: Anything further?

2 MR. LERER: No, Your Honor.

3 THE COURT: Thanks. You are excused. Thank you.

4 (Witness excused.)

5 Call your next witness.

6 MR. YAEGER: The United States calls Richard

7 Cinnamo.

8 THE CLERK: Please stand here and raise your right
9 hand.

10 (The witness is duly sworn/affirmed by Clerk of
11 Court.)

12 THE CLERK: Please be seated.

13 State and spell your full name for the record,
14 please.

15 THE WITNESS: Richard Cinnamo, C I N N A M O.

16 DIRECT EXAMINATION

17 BY MR. YAEGER:

18 Q Mr. Cinnamo, where do you work?

19 A The United States Postal Inspection Service.

20 Q What is your title, sir?

21 A Postal Inspector.

22 Q How long have you worked as a Postal Inspector?

23 A Approximately 16 years.

24 Q Please go a little slower for the reporter.

25 Thank you.

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1 What are your responsibilities in your current
2 position, Mr. Cinnamo?

3 A I investigate crimes involving the mail or the Postal
4 Service.

5 Q Before you worked for the Postal Inspection Service,
6 where did you work?

7 A I was a high school business education teacher for about
8 five years.

9 Q Before that?

10 A I worked as an accountant for about six years.

11 Q Let me direct your attention to April 18, 2012.

12 On that day, did you execute a search warrant at
13 59 Genesee Avenue in Staten Island?

14 A I did.

15 Q Please describe the building for the jury.

16 A It was a corner property, as I recall, two-story house in
17 Staten Island, New York.

18 Q Which floor did you search?

19 A I believe it was the second floor.

20 Q Were there people there when you searched the house?

21 A Yes.

22 Q How many?

23 A Two people.

24 Q Do you recall who they were?

25 A I recall one was a woman and the other was a man, who --

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1 whose name I believe is Mike.

2 Q If you can turn now, please, to Government Exhibit 83,
3 which should be in the redweld you have with you.

4 Do you recognize Government Exhibit 83?

5 A Yes.

6 Q What is it?

7 A It's a hand drawn sketch of the apartment at 59 Genesee
8 that we searched.

9 Q Who is "we," sir?

10 A The agents and myself that were there that day.

11 Q Is it your usual practice when executing a search warrant
12 to use a sketch like this?

13 A Yes.

14 Q What is the purpose of such a sketch and this sketch in
15 particular?

16 A The purpose is to be able to identify where exactly in
17 the location that you are searching particular items were
18 found. So each area of the location is identified.

19 Q Typically, how are areas of the location identified,
20 what's your system?

21 A We typically assign letters to the rooms or large areas
22 and we assign numbers to the particular sections within those
23 rooms.

24 MR. YAEGER: The government offers Exhibit 83.

25 MR. GOLD: No objection.

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1 THE COURT: It is received.

2 (Marked.)

3 Q So, for example, Mr. Cinnamo, what letter did you assign
4 to the living room in this search?

5 A Letter A.

6 Q Is that here, where I am indicating, the left-hand corner
7 of Government Exhibit 83?

8 A Yes.

9 Q Can you find for me letter I?

10 A Yes; it's beneath the word bedroom in the center section,
11 on the left side of the screen.

12 Q Here?

13 A Yes.

14 Q I am going to rotate Government Exhibit 83
15 counterclockwise.

16 Is that what you are focusing on, sir?

17 A Yes.

18 Q Do you know who sleeps in this room, Inspector Cinnamo?

19 A I was in that apartment on one day and I saw one
20 individual sleeping in that room. I don't know if that's his
21 room. But I -- the fellow that I mentioned by the name of
22 Mike was sleeping in that room as I entered it.

23 Q Where was he sleeping?

24 A On the floor, immediately to the right as you enter.

25 Q I am going to -- if you can turn now in your stack of

Cinnamo - direct - Yaeger

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1 documents to Government Exhibit 84.

2 Do you have it?

3 A Yes.

4 Q Do you recognize it?

5 A I do.

6 Q What is it?

7 A It's a photograph of a bed, the lower level of a bunk
8 bed, I believe, that was in room I at 59 Genesee.

9 Q Was the gentleman you saw sleeping in this bed?

10 A No.

11 Q He was on the floor?

12 A Yes.

13 Q Again, Government Exhibit 84, is there a Post-it note on
14 the bed?

15 A Yes, there is.

16 Q Who placed that Post-It note on the bed in the picture?

17 A One of the agents that was present at the search.

18 Q Does this picture that is Government Exhibit 84
19 accurately depict this part of the bedroom, which is marked I
20 on the sketch on the day that you searched it?

21 A Yes.

22 MR. YAEGER: The government offers Exhibit 84.

23 MR. GOLD: No objection.

24 THE COURT: Received.

25 (Marked.)

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1 Q I have placed Government Exhibit 84 on the viewer for the
2 jury.

3 Do you see the Post-It on the bed?

4 A Yes.

5 Q What does that Post-It note say, sir?

6 A I-7, beneath are initials RC.

7 Q Whose initials are those?

8 A Those are my initials.

9 Q Who searched this area?

10 A I did.

11 Q How do you know that?

12 A From memory and from the fact that I -- it is my practice
13 to initial the Post-Its after I search an area, as all agents
14 do in our agency.

15 Q Did you find anything underneath the bed that bears that
16 Post-It note I-7 in Government Exhibit 84?

17 A Yes.

18 Q If you can turn in your stack of documents, please, to
19 Government Exhibit 85.

20 Do you recognize this stack of documents that is
21 Government Exhibit 85?

22 A Yes.

23 Q What is it?

24 A The first page is the search warrant inventory sheet that
25 I filled out upon searching the location I-7, and the

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1 documents behind it are copies of documents that I found at
2 that location.

3 Q Where in that location did you find these documents?

4 A Location I-7, room I, location seven.

5 Q Which is under the bed?

6 A Correct.

7 Q This first search warrant inventory form in the front of
8 the document, what is the purpose of it?

9 A It is to summarize the evidence that's found in a
10 location, so that later -- so that we will have a record of
11 what we have found because it does have to get returned to the
12 Court. You have to notify the Court what you found during a
13 search warrant so a copy of this sheet would go back to the
14 judge.

15 Q Is this your name on the front of this inventory form?

16 A Yes, beside the name -- the word Inspector.

17 MR. YAEGER: The government offers Exhibit 85, the
18 inventory sheet and the pages behind it.

19 MR. GOLD: No objection.

20 THE COURT: Received.

21 (Marked.)

22 Q I am going to turn to the document that has a Bates
23 number ending 17089, sort of in the middle. Again, 17089 is
24 the Bates number.

25 Do all of the documents in Government Exhibit 85

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1 basically look like the one that I have just placed on the
2 viewer?

3 A Yes.

4 Q They didn't have this black square that I am indicating,
5 did they?

6 A No, they did not.

7 Q Covering an address on an email?

8 A That's correct, they did not.

9 Q Okay. So that was added later by law enforcement?

10 A I don't know who redacted. But --

11 Q Okay. How would you describe these documents, which are
12 titled Prospect Page?

13 MR. GOLD: Objection, Your Honor.

14 THE COURT: Overruled.

15 A I would describe them as a summary of information that
16 someone would record in hopes of, or in an effort to sell
17 something, just as the name suggests, prospect page. So it's
18 information on particular prospects to whom you may want to
19 sell something.

20 Q Have you seen this before in your work as a postal
21 inspector, something like this?

22 A Yes.

23 (Continued on next page.)
24
25

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1 BY MR. YAEGER: (Continuing)

2 Q Just turning to the top, under this first information
3 name and the blacked out information about address and such,
4 what is this next field that I'm indicating?

5 A It says job or retired.

6 Q And then what is the next line on the Prospect page?

7 A Married/kids/date of birth.

8 Q Okay. Here it read, Approximate annual income, in the
9 typed text but that is crossed out. What is the handwritten
10 text above, Approximate annual income, sir?

11 A Portfolio.

12 Q What is the next category here on this prospect sheet?

13 A Approximate liquid net worth.

14 Q What do you understand that to mean?

15 A How much available cash someone would have on hand at a
16 particular time.

17 Q What is written here in hand?

18 A 100K.

19 Q What do you understand that to mean?

20 A 100,000.

21 Q Skipping the next line about brokers, the next question
22 is, Have you ever been approached with an investment within
23 the settlement funding industry before. What is the answer?

24 A No.

25 Q After these questions which have the lines next to them,

Cinnamo - direct - Yaeger

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1 there's a paragraph which doesn't appear to have any place to
2 write in on a line. Do you see this portion of the document?

3 A Yes.

4 Q How would you describe that bottom part of the document?

5 A I would describe it as a closing script.

6 Q And then beneath that script, there are some notes on the
7 side in handwriting. Is that in response to a particular
8 question?

9 A I don't believe so.

10 MR. YAEGER: I beg the Court's indulgence for a
11 moment.

12 (Pause.)

13 Q Inspector Cinnamo, if you could please just read this
14 bottom portion you described as a script here at the bottom of
15 the prospect sheet?

16 A You were looking at 17089. It appears to be the same on
17 both pages but you have a different page up.

18 Q Thank you. For the record, I have page 17090.

19 Okay. Please read, Inspector Cinnamo --

20 A Beginning with, Thank you?

21 Q Yes.

22 A Thank you for your time. You have been a complete
23 gentleman. You should probably receive our package within
24 seven business days. It will be in a big white envelope with
25 our name on it. After you receive it, one of our senior

Cinnamo - cross - Gold

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1 advisors will contact you. Fair enough? Thank you and have a
2 great day.

3 MR. YAEGER: No further questions, Your Honor.

4 THE COURT: Mr. Gold.

5 CROSS-EXAMINATION

6 BY MR. GOLD:

7 Q Good morning, sir.

8 A Good morning.

9 Q You just described items that were described from room I
10 that was occupied by that person named Mike, correct?

11 A Correct.

12 Q Did you search any other rooms in that house, residence
13 at that time?

14 A I believe I may have searched another room, yes.

15 Q And you indicated that there was also a woman that was
16 present during the time of the search?

17 A Yes.

18 Q Was she in a different bedroom?

19 A Yes.

20 Q And there was a third bedroom in addition to that,
21 correct?

22 A Correct.

23 Q In the bedroom room I that you seized these documents
24 that have been admitted as I believe Exhibit 85, were there
25 any other documents that were seized from that room at that

Cinnamo - cross - Gold

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1 time?

2 A I don't recall.

3 Q Was there a computer that was taken at that time?

4 A I don't recall.

5 Q Was there a telephone taken at that time?

6 A I don't believe so.

7 Q Did you make any notes or, of what you did during that
8 search?

9 A Yes.

10 MR. GOLD: May I have a moment, Your Honor?

11 THE COURT: Pardon.

12 MR. GOLD: May I have a moment?

13 THE COURT: Yes.

14 (Pause.)

15 Q Sir, do you know what you did, if anything, with a copy
16 of those notes that you made relative to your activities in
17 the search that day?

18 A Yes. When I say notes, I mean these inventory sheets.
19 Anything I searched or took was recorded on an inventory sheet
20 or a sheet that said that nothing was taken.

21 Q Okay. Was there any record or report that you submitted
22 or -- withdrawn.

23 Any report that you made relative to exactly what
24 you did during the time of your search, where you found
25 something, how you found it, anything along those lines that

Cinnamo - cross - Gold

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1 would be descriptive?

2 A Again, other than the inventory sheet which does specify
3 found beneath bed or below bed? No other reports.

4 Q Okay. Thank you.

5 And looking at the inventory sheets, does that
6 refresh your recollection at all as to whether or not a
7 computer was seized or phone was seized during the course of
8 the search?

9 A It would refresh my recollection.

10 Q Do you have those in the stack of your, before you?

11 A No. Just the form for I7.

12 MR. GOLD: Okay. Your Honor, may I for a moment?

13 Sorry.

14 (Pause.)

15 Q Are you aware, sir, of anything that was taken from the
16 other bedrooms of that residence?

17 A I can't say, no, I don't recall what was taken.

18 Q Okay.

19 MR. GOLD: I have no further questions. Thank you.

20 I would like those inventory records produced though
21 and I reserve the right to recall the witness, please.

22 MR. YAEGER: They've been produced, Your Honor.

23 THE COURT: Pardon?

24 MR. YAEGER: They have been produced, Your Honor,
25 but we will attempt to locate them and give them to Mr. Gold

Parkhill - direct - Yaeger

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1 again.

2 THE COURT: Anything further with Inspector Cinnamo?
3 Do you have any further questions of Inspector Cinnamo?

4 MR. YAEGER: I do not, Your Honor.

5 THE COURT: Thank you very much. You're excused.
6 (Witness excused.)

7 THE COURT: Call your next witness.

8 MR. YAEGER: United States calls Special Agent Brian
9 Parkhill.

10 THE CLERK: Please stand here and raise your right
11 hand.

12 (Witness sworn.)

13 THE CLERK: State your full name for the record.

14 THE WITNESS: My name is Brian Parkhill, B-R-I-A-N,
15 P-A-R-K-H-I-L-L.

16 BRIAN PARKHILL ,

17 called as a witness, having been first duly sworn,
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. YAEGER:

21 Q Special Agent Parkhill, where do you work?

22 A I work out of JFK International Airport. I work for the
23 Department of Homeland Security, Homeland Security
24 Investigations.

25 Q Is the Department of Homeland Security sometimes

Parkhill - direct - Yaeger

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1 abbreviated DHS?

2 A Yes, it is.

3 Q How long have you worked for DHS?

4 A Approximately ten years.

5 Q Let me direct your attention to January 29, 2012 at

6 approximately 4:45 in the afternoon.

7 At that time, did you interview a man named Ruslan
8 Rapaport?

9 A I did.

10 Q Where?

11 A It was at JFK International Airport.

12 Q Do you recall the terminal?

13 A I believe it was terminal three.

14 Q If you could turn in the stack of documents inside, to
15 the stack of documents inside the Redweld.

16 Do you see government Exhibit 92?

17 A Yes.

18 Q Do you recognize it?

19 A I do.

20 Q What is it?

21 A It is a Customs and Border Protection customs
22 declaration.

23 Q Is there a date stamped on this customs declaration?

24 A Yes, there is.

25 Q What is the date?

Parkhill - direct - Yaeger

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1 A January 29, 2012.

2 MR. YAEGER: The government offers Exhibit 92.

3 MR. GOLD: No objection.

4 THE COURT: It is received.

5 (So marked.)

6 (Exhibit published.)

7 Q Special Agent Parkhill, please tell us about the
8 interview that you conducted of Ruslan Rapaport, how did it
9 begin?

10 A It began based on what's called a secondary referral from
11 a primary CBP officer.

12 THE COURT: CBP?

13 THE WITNESS: Customs and Border Protection, Your
14 Honor.

15 A The customs and Border Protection primary booth referred
16 Rapaport for further examination.

17 Q Did you make that further examination?

18 A I was part of it, yes.

19 Q Did there come a time when you were able to look through
20 cards in Mr. Rapaport's wallet?

21 A Yes.

22 Q Would you turn, please, to Government Exhibit 94.

23 Do you recognize it?

24 A I do.

25 Q What is it?

Parkhill - direct - Yaeger

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1 A It's various cards and identification documents conveyed
2 by Ruslan Rapaport at the time of the examination.

3 Q Are these photocopies of those documents?

4 A They are photocopies of them, yes.

5 Q Were the originals returned to Ruslan Rapaport?

6 A Yes, they were.

7 Q Do these photos that are in Government's Exhibit 94
8 accurately depict the items that you found in Mr. Rapaport's
9 wallet?

10 A Yes, they do.

11 MR. YAEGER: The government offers Exhibit 94.

12 MR. GOLD: No objection.

13 THE COURT: Received.

14 (So marked.)

15 (Exhibit published.)

16 Q Starting at the bottom left-hand corner of the screen on
17 this first page of Government Exhibit 94, what is the item?

18 A That is a New York State driver's license.

19 Q What Borough of New York City does it say that
20 Mr. Rapaport lives?

21 A It says he lives in Brooklyn, New York.

22 Q Does this picture, in fact, depict the man that you
23 interviewed?

24 A Yes, it does.

25 Q Turning the document, sort of moving clockwise around it,

Parkhill - direct - Yaeger

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1 this Visa card here which is directly above the driver's
2 license, whose name is it in?

3 A It's in the name of Ruslan Rapaport.

4 Q Are all of these five cards here on the first page of
5 Government Exhibit 94 in the name of Ruslan Rapaport?

6 A No. The Chase Visa in the lower, to the right of the
7 driver's license is in the name of Borris Rapaport.

8 Q On this next page of Government Exhibit 94 on this shred
9 of paper here, does that appear to be a phone number?

10 A It does.

11 Q I am now turning to the fourth page of Government
12 Exhibit 94 which has a Bates number ending in 56939.

13 Turning the document, where is this receipt from
14 according to the receipt itself?

15 A Kiev.

16 Q Are the characters Cyrillic characters or Roman?

17 A Kiev is in Roman and then the majority is split between
18 Roman and Cyrillic.

19 Q If you could turn down in your stack of documents to
20 Government Exhibit 93. Do you have it?

21 A I do.

22 Q Do you recognize it?

23 A Yes, I do.

24 Q Is this a photocopy of the first pages of a passport?

25 A Yes, that is a photocopy of the bio data page of Ruslan

Parkhill - cross - Gold

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1 Rapaport's passport.

2 Q Did he hand this to you when you interviewed him?

3 A Yes, he did.

4 Q After copying it, was it handed back to Mr. Rapaport?

5 A It was.

6 Q Does this photograph that is now Government Exhibit 93
7 accurately depict this part of Mr. Rapaport's Ukrainian
8 passport?

9 A Yes, it does.

10 MR. YAEGER: The government offers 93.

11 MR. GOLD: No objection.

12 THE COURT: It's received.

13 (So marked.)

14 (Exhibit published.)

15 Q Does this picture depict the man that you, in fact,
16 interviewed?

17 A Yes, it does.

18 MR. YAEGER: No further questions.

19 THE COURT: Mr. Gold.

20 CROSS-EXAMINATION

21 BY MR. GOLD:

22 Q Good morning, sir.

23 A Good morning.

24 Q At the time that you conducted the search of
25 Mr. Rapaport's -- well, withdrawn.

Parkhill - cross - Gold

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1 Did you do an actual physical search of him or just
2 asked for production of identifying documents, wallet,
3 passport, things of that nature?

4 A It was a routine examination where documents were
5 produced that he conveyed and carried of his baggage.

6 Q So there wasn't an actual physical search though; you
7 didn't make him take his clothes off or anything like that?

8 A There may have been a pat down on the outside of his body
9 to make sure there were no other wallets or anything like
10 that.

11 Q But his pockets were gone through --

12 A Yes.

13 Q -- to see what items were inside there, correct?

14 A Yes, that's correct.

15 Q And his wallet was examined?

16 A Yes.

17 Q Or everything that was inside of it?

18 A Yes.

19 Q Did you say also his luggage was searched?

20 A Yes, his luggage would have been looked at. We looked at
21 his luggage.

22 Q To your knowledge, after searching all of these items you
23 just described, was the name Peter Liounis found on any
24 document or piece of paper or credit card or anything else in
25 Mr. Rapaport's belongings?

1 A No.

2 Q Was the address 59 Genesee, Staten Island, New York found
3 on any document in Mr. Rapaport's possession?

4 A No.

5 MR. GOLD: I have no further questions.

6 THE COURT: Anything further?

7 MR. YAEGER: No, Your Honor.

8 THE COURT: Thank you.

9 You are excused. Thank you very much.

10 THE WITNESS: Thank you.

11 (Witness excused.)

12 THE COURT: Your next witness is?

13 MR. LERER: Dennis Lamantia, Your Honor.

14 THE CLERK: Please stand next to the chair and raise
15 your right hand.

16 (Witness sworn.)

17 THE CLERK: Please be seated. Please state and
18 spell your full name for the record.

19 THE WITNESS: Dennis Lamantia. Spell it as well?

20 THE CLERK: Yes, please.

21 THE WITNESS: D-E-N-N-I-S, Lamantia is
22 L-A-M-A-N-T-I-A.

23 THE COURT: Go ahead, Mr. Lerer.

24 MR. LERER: Thank you, Your Honor.

25

Lamantia - direct - Lerer

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1 DENNIS LAMANTIA ,

2 called as a witness, having been first duly sworn,

3 was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. LERER:

6 Q Good morning, sir.

7 A Good morning.

8 Q How old are you?

9 A Fifty-five.

10 Q And where do you live?

11 A California.

12 Q Are you married?

13 A Yes.

14 Q Do you have any children?

15 A Yes.

16 Q How many?

17 A Two.

18 Q Have you heard of a company that calls itself Grayson

19 Hewitt?

20 A Yes.

21 Q When did you first hear of that company?

22 A January 2011.

23 Q How did you hear of Grayson Hewitt in January of 2011?

24 A I received a phone call.

25 Q Who was the call from?

Lamantia - direct - Lerer

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1 A Lance Berman.

2 Q And did you speak with Lance Berman?

3 A Yes.

4 Q Is that a cold call or something you asked for?

5 A A cold call.

6 Q Did Lance Berman explain Grayson Hewitt's business to
7 you?

8 A Yes.

9 Q What did he tell you?

10 A He told me that they supplied cash for structured
11 settlements and annuities, et cetera.

12 Q Structured --

13 A To individuals that had a structured settlement, he gave
14 them, they bought them out with cash.

15 Q Did Lance Berman describe a particular investment to you?

16 A Yes.

17 Q What was that investment?

18 A Cash investment with a return of 15 percent over,
19 annually.

20 Q Were you interested in that investment?

21 A Yes.

22 Q Why?

23 A Because of the 15 percent.

24 Q Did you look into the company Grayson Hewitt on your own?

25 A Yes, somewhat.

CMH

OCR

RMR

CRR

FCRR

Lamantia - direct - Lerer

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1 Q What did you do?

2 A I looked at their website and tried to do some internet
3 research in that business line.

4 Q What did you find when you looked at Grayson Hewitt's
5 website?

6 A I -- well, a good description of everything I was told
7 over the phone and the business we were in and how they did it
8 and what the investment was about.

9 Q And when you looked into -- I'm sorry. Did I cut you
10 off?

11 A No.

12 Q When you looked into the line of business, into this
13 structured settlement type of business, what did you find?

14 A Well, I found several companies doing that and it seemed
15 like a reputable business venture.

16 Q Did Grayson Hewitt send you anything in writing?

17 A Excuse me?

18 Q Did Grayson Hewitt send you anything in writing?

19 A Yes. I received a brochure and the brochure described
20 the, some aspects of the company.

21 Q Before you, you should have a document marked Government
22 Exhibit 75 for identification. Can you take a look at that
23 document.

24 Is that the brochure you received from Grayson
25 Hewitt?

Lamantia - direct - Lerer

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1 A Yes. This looks like a copy of it, yes.

2 MR. LERER: The government offers Exhibit 75.

3 MR. GOLD: No objection.

4 THE COURT: Received.

5 (So marked.)

6 MR. LERER: I'll publish it on the screen.

7 (Exhibit published.)

8 Q Is Grayson Hewitt at the top? Sorry. I'm marking it up
9 on the screen. Is that Grayson Hewitt at the top?

10 A Yes.

11 Q What about the information I've just marked on the bottom
12 of the document?

13 A The address.

14 Q Is that where you understood the firm to be located?

15 A Yes, that's where I sent anything. That's the address
16 that I mailed or Fed Exed anything to.

17 Q That was later, correct?

18 A Later, yes.

19 Q Thank you, sir.

20 What about this website,
21 www.graysonhewittfundinggroup.com, is that the website that
22 you checked out?

23 A Yes, it is.

24 Q I'll turn a few pages in to the page that says, Our
25 Offerings, at the top and the Bates number is DOJ56138.

Lamantia - direct - Lerer

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1 Can you read the third paragraph which I've made a
2 mark next to on the screen?

3 A For an investment between \$1,000 and 99,000, we
4 distribute an annual return of 15 percent payable in 12 equal
5 monthly interest payments of 1.25 percent direct deposited
6 into the account of their choice.

7 Q Was this the investment Lance Berman pitched to you?

8 A Yes.

9 Q Now I'll turn later in the brochure in Government
10 Exhibit 75 to one of the final pages that was called, Our
11 Staff.

12 There's a photograph of a man labeled as Lance
13 Berman on the second row. Is that the man you understood
14 yourself to be talking to on the phone?

15 A That's what I understood, yes.

16 Q Did you ultimately decide to invest in Grayson Hewitt?

17 A Excuse me?

18 Q Did you ultimately decide to invest?

19 A Yes.

20 Q And did you sign a contract?

21 A Yes, I did.

22 Q Please take a look at Government Exhibit 76 for
23 identification before you.

24 A Yes.

25 Q Is that your contract with Grayson Hewitt?

Lamantia - direct - Lerer

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1 A Yes, it is.

2 MR. LERER: The government offers Exhibit 76.

3 MR. GOLD: No objection.

4 THE COURT: Received.

5 (So marked.)

6 (Exhibit published.)

7 Q Who was the investor for this contract?

8 A I was.

9 Q And what was the amount that you invested?

10 A \$5,000.

11 Q What was the annual interest rate you expected to
12 receive?

13 A Fifteen percent.

14 Q Whose signature is that at the bottom?

15 A That's mine.

16 Q How did you send in your investment monies to Grayson
17 Hewitt for this investment?

18 A I sent a personal check in a Fed Ex package that was
19 prepaid.

20 Q Personal check for \$5,000?

21 A For \$5,000, yes.

22 Q And did you begin to receive monthly statements?

23 A Yes, I did.

24 Q And did you receive, begin to receive interest payments?

25 A Yes, I did.

CMH

OCR

RMR

CRR

FCRR

Lamantia - direct - Lerer

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1 Q Where was the interest deposited?

2 A Directly into my personal bank account.

3 Q How did receiving interest make you feel about your
4 investment?

5 A It made me feel comfortable with the investment.

6 Q Did there come a time when you started speaking to
7 someone else at Grayson Hewitt besides Lance Berman?

8 A Yes.

9 Q Who was that?

10 A Mark Anderson.

11 Q And once you began speaking to Mark Anderson, what role
12 did he take on for your account?

13 A Similar to Lance Berman, more the account representative.

14 Q And did you speak to Lance Berman anymore after Mark
15 Anderson came into the picture?

16 A No, I did not.

17 Q How did you feel about having your account representative
18 change?

19 A I didn't -- it seemed a little unusual, but I didn't
20 think much of it. I didn't do anything about it.

21 Q You said you didn't do anything. Did you investigate the
22 company further at this time?

23 A Yes. I looked, I looked into a little bit more. I did
24 some online research as far as, for example, the address and
25 Google.

Lamantia - direct - Lerer

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1 Q 1204 Avenue U?

2 A Yes, exactly.

3 Q What did you find on Google?

4 A I found a mailbox storefront which is where I assume the
5 mail was going to.

6 Q Did you confront anyone at Grayson Hewitt about that?

7 A No, I did not.

8 Q Did Anderson eventually propose additional investments to
9 you?

10 A Yes.

11 Q And eventually did you make additional investments?

12 A Yes, I did.

13 Q Am I correct your initial investment was in January of
14 2011?

15 A That's correct.

16 Q You received monthly interest thereafter?

17 A For some time, yes.

18 Q For some time.

19 I'm going to -- you have Government Exhibit 103
20 before you. Can you examine that document? It's two pages.

21 A Yes.

22 Q What is that document?

23 A This was called a certificate of deposit. It was related
24 to an investment for, actually an IRA that I transferred.

25 Q And is -- what company is this from?

Lamantia - direct - Lerer

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1 A From this certificate of deposit?

2 Q Yes.

3 A From Grayson Hewitt.

4 MR. LERER: I ask to move Government Exhibit 103
5 into evidence.

6 MR. GOLD: No objection.

7 THE COURT: Received.

8 (So marked.)

9 MR. LERER: And I'll put it on the screen.

10 (Exhibit published.)

11 Q I believe you said it was a certificate of deposit?

12 A That's what it called, yes.

13 Q And I believe you might have been describing this type of
14 deposit or what type of deposit did you understand this to be?

15 A It was an IRA.

16 Q What's an IRA?

17 A Individual retirement account.

18 Q And were you told by Grayson Hewitt that they were
19 establishing a retirement account for you?

20 A Yes, it was a rollover.

21 Q What's a rollover?

22 A That's when I take an existing IRA which is untaxed money
23 that was taken out of my payroll from previous work and, in a
24 savings, and it's rolled over so there's no tax or interest
25 penalties.

Lamantia - direct - Lerer

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1 Q And what is the initial deposit listed for this?

2 A 14,100.

3 Q And the date?

4 A June 1, 2011.

5 Q What interest rate were you expecting to get on this
6 investment?

7 A Eighteen percent.

8 Q Who is listed as your account representative on this
9 document?

10 A Samuel Freed.

11 Q At this point, had you begun to speak to Mr. Freed as
12 well?

13 A Not sure about the how soon but yes, yes.

14 Q Around this time?

15 A Around this time frame, yes.

16 Q So at this time, were you both speaking to Mr. Anderson
17 and Mr. Freed?

18 A Correct, yes.

19 Q But no longer Mr. Berman?

20 A No longer Mr. Berman.

21 Q What role did Samuel Freed play for your account?

22 A He seemed to be an account administrator, if you will, as
23 opposed to a salesperson.

24 Q And Freed was an account administrator and what role was
25 Anderson then?

CMH

OCR

RMR

CRR

FCRR

Lamantia - direct - Lerer

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1 A I would say more of the salesperson.

2 Q Would you take a look at Government 77 which is before
3 you?

4 A Yes.

5 Q Do you recognize that document?

6 A Yes.

7 Q It's a stub of a check, is that correct?

8 A Yes. It's a stub of a check from Ameritrade for my IRA
9 account.

10 MR. LERER: The government moves 77 into evidence.

11 MR. GOLD: No objection.

12 THE COURT: Received.

13 (So marked.)

14 (Exhibit published.)

15 Q How did you, what's the amount of the check stub?

16 A 14,100.

17 Q How did you first try to make the investment into the
18 Grayson Hewitt rollover IRA?

19 A I sent this check to Grayson Hewitt I believe, again, via
20 Fed Ex.

21 Q And did the check go through?

22 A No, it did not.

23 Q Did you receive some correspondence from Grayson Hewitt
24 about the check?

25 A Yes.

Lamantia - direct - Lerer

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1 Q Can you take a look at Government Exhibit 78 before you?

2 A Yes.

3 Q Is that from Grayson Hewitt?

4 A Yes, it is.

5 MR. LERER: The government offers Exhibit 78.

6 MR. GOLD: No objection.

7 THE COURT: Received.

8 (So marked.)

9 (Exhibit published.)

10 Q This is an e-mail from
11 operations@graysonhewittfundinggroup.com. Who would write to
12 you from that e-mail address?

13 A Any correspondence I got was from Sam Freed.

14 Q Using that address?

15 A Using that address, yes.

16 Q And what's the first line, substantive line of the
17 e-mail?

18 A We were unable to redeposit your check.

19 Q And then did he provide wiring instructions, is that
20 correct?

21 A Correct.

22 Q And did you try to wire the \$14,100 from Grayson Hewitt
23 now that the check had failed?

24 A Yes, I did.

25 Q Can you examine Government Exhibit 104 before you,

Lamantia - direct - Lerer

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1 another two-page document.

2 A Yes.

3 Q Is that a wire transfer request?

4 A Yes, it is.

5 MR. LERER: The government offers 104 into evidence.

6 MR. GOLD: No objection.

7 THE COURT: Received.

8 (So marked.)

9 (Exhibit published.)

10 Q What's been marked is a wire transfer request at the top,
11 is that correct?

12 A Yes. It --

13 Q I'm sorry. Is it a wire transfer request?

14 A Yes, it is.

15 Q And who is the originator?

16 A I am.

17 Q And who is the beneficiary or recipient?

18 A Grayson Hewitt Funding.

19 Q Did this wire transfer go through?

20 A Yes, it did.

21 Q After the \$14,000, \$14,100 investment, did you make
22 another investment?

23 A Yes, I did.

24 Q How much was that for?

25 A 5,000.

CMH

OCR

RMR

CRR

FCRR

Lamantia - direct - Lerer

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1 Q And how did you send that one in?

2 A Another personal check.

3 Q And at this point, were you still receiving your interest
4 payments?

5 A At that time.

6 Q Let's break it down. On the two \$5,000 deposits, were
7 you receiving interest payments?

8 A For some time, yes.

9 Q What about the 14,100, did you receive interest to your
10 bank account on that one?

11 A No. That's because it was an IRA.

12 Q So the interest rolled over in the IRA?

13 A Yes.

14 Q And were you receiving account statements at this point?

15 A Not -- yes, I was. Yes, I was.

16 Q Did the man who called himself Mark Anderson eventually
17 approach you about another investment?

18 A Yes.

19 Q And do you remember the structure of this investment?

20 A Yes, I do.

21 Q What was it?

22 A It was a taking over or buying out a contract of another
23 investor like myself that wanted out basically. They wanted
24 the return of their initial cash investment and I was
25 approached to take over their contract which was approximately

Lamantia - direct - Lerer

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1 ten months mature. It was a \$40,000 contract that I was
2 offered to take over for \$35,000 and I only had to wait two
3 months for the maturity of it and the return of that
4 investment.

5 Q Let me ask you a few questions.

6 So what was the amount the man who called himself
7 Mark Anderson was asking you to invest?

8 A Initially \$35,100.

9 Q And if you invested that amount, how much would be
10 credited into your account, what value?

11 A In two months from that date, \$40,000.

12 Q And what about the two remaining months interest, who
13 would get that?

14 A I would.

15 Q You said there was an earlier investor who was giving up
16 the account?

17 A Yes.

18 Q Did you have an understanding where this other investor
19 was located?

20 A Yes.

21 Q Where was that?

22 A London, England or England. England, I should say.

23 Q In England?

24 A Yes.

25 Q Were you interested in this investment?

Lamantia - direct - Lerer

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1 A Yes, I was.

2 Q And did Grayson Hewitt send you instructions on how to
3 wire funds?

4 A Yes, they did.

5 Q Could you examine Government Exhibit 106 which should be
6 before you.

7 A Yes.

8 (Continued on next page.)

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Lamantia - direct - Lerer

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1 BY MR. LERER:

2 Q So, those are wire instructions?

3 A Yes. That's from my e-mail.

4 MR. LERER: The government offers 106.

5 MR. GOLD: No objection.

6 THE COURT: Received.

7 (So marked.)

8 MR. LERER: Publishing Government's Exhibit 106.

9 Q The same e-mail address as the sender?

10 A Yes, it is.

11 Q That was the e-mail address that Sam Freed was e-mailing
12 you from?

13 A Correct.

14 Q And then what does it say under your name?

15 A The "Mr. Lamantia" part?

16 Q Yes, right under your name.

17 A Wire instructions.

18 Q I'll actually be marking the document up on the screen,
19 and there's a screen in front of you, as well.

20 A Gotcha.

21 Q Do you see on this document where you understood the wire
22 monies to be going?

23 A Yes.

24 Q Where is that located?

25 A Looks like Lancashire, England.

Lamantia - direct - Lerer

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1 Q Down here under Beneficiary Name?

2 A Correct.

3 Q What about this portion Beneficiary Bank in Cyprus; did
4 you have any understanding what that meant?

5 A No. I really didn't.

6 Q Did you try to wire the \$35,100 to Grayson Hewitt?

7 A Yes, I did.

8 Q Can you examine Exhibit 107 that should be before you?

9 A Yes.

10 Q Is that your wire transfer request?

11 A Yes, it is.

12 MR. LERER: The government moves 107 into evidence.

13 MR. GOLD: No objection.

14 THE COURT: Received.

15 (So marked.)

16 Q Is that your bank, Schools Financial Credit Union?

17 A Yes, one of them.

18 Q And who is the sender of the wire?

19 A I was.

20 Q And the amount?

21 A \$35,1000.

22 Q Where did you understand the wire to be going?

23 A Oh, to the other client, Innovative Commerce, I believe
24 is what it was called.

25 Q That name Innovative Commerce, is that something the man

Lamantia - direct - Lerer

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1 who called himself Mark Anderson mentioned to you?

2 A Yes. That was the other client.

3 Q Down at the bottom, is that the same information in
4 Cyprus we saw before?

5 A Yes, it is.

6 Q Did that \$35,100 wire successfully go through?

7 A No, it did not.

8 Q And did you speak with Mark Anderson about that topic?

9 A Yes, I did.

10 Q Mr. Lamantia, I'm going to give you a binder of
11 transcripts, and I'm going to turn to the tab with your name
12 on it. I'm going to turn to the second tab, 225.

13 MR. LERER: "Dennis Lamantia," his tab, the second
14 -- I think it's a white tab -- the second tab therein is
15 Call 225. The wiretap of 347-465-0606, Session 225,
16 December 20, 2011. The phone number is 916-765-3082.

17 Q Do you recognize that phone number?

18 A Yes.

19 MR. LERER: We'll start at the beginning.

20 (Tape plays.)

21 (Tape stops.)

22 Q Do you recognize those two voices?

23 A Yes.

24 Q Who are they?

25 A It's my voice and Mark Anderson.

Lamantia - direct - Lerer

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1 MR. LERER: We'll continue at fourteen seconds,
2 directly beneath.

3 (Tape plays.)

4 (Tape stops.)

5 Q What were you referring to at that point?

6 A That the wire transfer was rejected.

7 MR. LERER: We'll continue at thirty-seven seconds,
8 at the bottom of the same page, 516.

9 (Tape plays.)

10 (Tape stops.)

11 Q What did you get charged \$83 for?

12 A Between the banks, the attempt of the wire transfer, it
13 cost me \$83 for the tracer and the return of the wire, the
14 cancellation of the wire transfer.

15 MR. LERER: We'll continue at forty-nine seconds,
16 now on page 517.

17 (Tape plays.)

18 (Tape stops.)

19 Q What was your plan at this time?

20 A To get the cash from my account and deposit it into the
21 Grayson Hewitt account in the Chase Bank.

22 MR. LERER: I'll continue at a minute twenty-five on
23 page 518 now, directly below that.

24 (Tape plays.)

25 (Tape stops.)

Lamantia - direct - Lerer

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1 Q What did you understand the man who called himself Mark
2 Anderson to mean when he said, Let me go into compliance and
3 let them know what's happened?

4 A I understood that to be another department of Grayson
5 Hewitt, the compliance department.

6 MR. LERER: We'll continue directly at that point at
7 two minutes and six seconds, still on page 518.

8 (Tape plays.)

9 (Tape stops.)

10 MR. LERER: Stopping Session 225 at two minutes and
11 twenty-two seconds.

12 Q Did you follow through with your plan at that point?

13 A Yes, I did.

14 Q Did you go to your bank to withdraw the cash?

15 A Yes, I did.

16 Q What did your bank do when you asked to withdraw that
17 amount of cash?

18 A They gave me a letter that they wanted me to sign
19 regarding the risk of removing a large amount of cash.

20 Q Can you look at Government's Exhibit 79, sir.

21 A Yes.

22 Q Is that the document you received from your bank?

23 A Yes, it is.

24 Q It's a large-cash withdrawal form?

25 A Yes, it is.

Lamantia - direct - Lerer

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1 Q And what was the amount of cash that you were seeking to
2 withdraw from your account?

3 A \$35,000.

4 Q Why not 35,100?

5 A Well, one of the discussions I had was to take the \$100
6 in lieu of the \$83 charge that my bank gave me for the
7 cancellation of the previous wire transfer.

8 Q So, because you had been charged an \$83 fee, the amount
9 of the deposit was knocked down \$100?

10 A Yes.

11 Q Is this document a series of warnings from the bank of
12 risk of taking out a large amount of cash?

13 A Yes.

14 Q Did you then deposit the cash into Grayson Hewitt's
15 account at Chase Bank?

16 A Yes, I did.

17 Q And did you discuss that with Mark Anderson?

18 A Yes.

19 THE COURT: Did you offer 79?

20 MR. LERER: I'm not sure, your Honor. Thank you.

21 The government offers 79.

22 MR. GOLD: No objection, your Honor.

23 THE COURT: It's received.

24 (So marked.)

25 Q Mr. Lamantia and members of the jury, if you could turn

Lamantia - direct - Lerer

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1 to the next tab, 241. We'll begin twenty seconds into the
2 call.

3 (Tape plays.)

4 (Tape stops.)

5 Q The phone number 347-465-0606 that this call comes from,
6 is that the number you would reach Mark Anderson at?

7 A Yes, it is.

8 Q Is that number still stored in your personal cell phone?

9 A Yes, it is.

10 Q Can you take a look at Government's Exhibit 124 before
11 you?

12 A Yes.

13 Q Is that a printout from your cell phone?

14 A Yes.

15 MR. LERER: The government offers 124.

16 MR. GOLD: No objection.

17 THE COURT: Received.

18 (So marked.)

19 Q Showing you 347-65-0606. What do you have that in your
20 contacts as?

21 A Correct.

22 Q And what name is that listed in?

23 A It's listed under Mark Anderson, and it's just a
24 category "Work," his work number.

25 Q Thank you, Mr. Lamantia, let me ask you about the people

Lamantia - direct - Lerer

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1 you spoke to at Grayson Hewitt. Lance Berman, how many times
2 approximately did you speak to him?

3 A Five to ten times.

4 Q And did he have a particular accent or way of expressing
5 himself?

6 A He seemed like an older gentleman from the Northeast, if
7 you will, from this area, as far as accents are concerned.

8 Q And how many times did you speak to Mark Anderson?

9 A Twenty or more, over time.

10 Q How would you characterize, in your conversations with
11 him, his knowledge of investments and the investments you were
12 making?

13 A He seemed knowledgeable.

14 Q Did he have any type of accent when you spoke to him?

15 A Yes. I feel what we were listening to is a bit of a
16 Southern accent.

17 Q At the time that you spoke to him, did you think that was
18 a real accent?

19 MR. GOLD: Objection.

20 THE COURT: Overruled.

21 A Yes, I did.

22 Q Now that you have listened to it again, what do you
23 think?

24 MR. GOLD: Objection, your Honor.

25 THE COURT: Overruled.

Lamantia - direct - Lerer

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1 Q You can answer.

2 A I can answer? It sounds like a fake accent, with
3 hindsight.

4 Q How about Samuel Freed, how many times did you speak to
5 him, about?

6 A Five to ten times.

7 Q Did he speak with any type of accent?

8 A Yes.

9 Q What type of accent?

10 A Seemed Eastern European, to me.

11 Q How good was his English?

12 A Marginal.

13 Q After you deposited the \$35,000 in cash to Grayson
14 Hewitt's account, did you continue to get account statements?

15 A No, I did not.

16 Q Did you continue to get your interest payments?

17 A No, I did not.

18 Q Did there come a time when Mark Anderson stopped calling
19 you back?

20 A Yes.

21 Q Did his phone eventually stop working at all?

22 A First, the mailbox was full, and then it stopped working.

23 Q What did you do at that point?

24 A Well, I started to feel something was obviously wrong, so
25 I did whatever I could, as far as the website. I noticed it

Lamantia - direct - Lerer

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1 was turned off, if you will, and I contacted the Better
2 Business Bureau, as well as the Attorney General, the New York
3 Attorney General.

4 Q Did you lose all the money you invested, including the
5 \$35,000 in cash?

6 A Yes, I did.

7 MR. LERER: I'm going to publish on screen
8 Government's Exhibit 68, already in evidence.

9 Q Do you know where this document comes from?

10 A No.

11 Q Do you recognize this name on the top-left corner?

12 A Yes. It appears to be my name spell incorrectly.

13 Q Missing the N in your last name?

14 A Yes.

15 Q What about this phone number, 916-765-3082, do you
16 recognize that number?

17 A Yes. That's my phone number.

18 Q Do you recognize this number, 917-224-8087, as well?

19 A Yes, I do.

20 Q Whose phone number is that?

21 A Sam Freed.

22 Q Do you have that phone number stored in your personal
23 cell phone, as well?

24 A Yes, I do.

25 Q Can you take a look at Government's Exhibit 123 before

1 you?

2 A Yes.

3 Q Another printout from your personal phone?

4 A Yes, it is.

5 MR. LERER: The government offers 123.

6 MR. GOLD: No objection.

7 THE COURT: Received.

8 (So marked.)

9 Q Who do you have listed under 917-224-8087 in your phone?

10 A That's Sam Freed.

11 Q The same number you saw on the previous exhibit; correct?

12 A Yes, that's correct.

13 MR. LERER: No further questions at this time, your
14 Honor.

15 MR. GOLD: No questions.

16 THE COURT: Thank you very much, Mr. Lamantia.

17 THE WITNESS: Should I leave everything here?

18 MR. LERER: You can, sir.

19 THE COURT: Let's take our mid-morning recess at
20 this point.

21 (Witness excused.)

22 (Jury excused.)

23 THE COURT: We'll resume in about eight or ten
24 minutes.

25 MR. LERER: Your Honor, we're once again going very

1 quickly. We'll only have one more witness today.

2 (Recess taken.)

3 (In open court; jury not present.)

4 THE COURT: Are you ready? Who is your next
5 witness?

6 MR. YAEGER: Renald Anelle.

7 THE COURT: That's your last witness today?

8 MR. YAEGER: Yes, your Honor.

9 THE COURT: How many do you have for Monday?

10 MR. YAEGER: Three, possibly four.

11 THE COURT: Mr. Gold, are you ready?

12 MR. GOLD: Yes, your Honor.

13 THE COURT: Ask the jury to come in, please.

14 (Jury present.)

15 THE COURT: We're waiting for one juror.

16 Okay.

17 Call your witness, please.

18 MR. YAEGER: We call Renald Anelle.

19 R E N A L D A N E L L E,

20 having been duly sworn, was examined and

21 testified as follows:

22 THE CLERK: State your name and spell it for the
23 record.

24 THE WITNESS: My name is Renald Joseph Anelle. Last
25 name, Anelle, A N E L L E, first name, Renald,

Anelle - direct - Yaeger

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1 R E N A L D, middle name Joseph.

2 THE COURT: Please proceed.

3 DIRECT EXAMINATION

4 BY MR. YAEGER:

5 Q Good morning, Mr. Anelle.

6

7 Where you live.

8 A I live in Fallbrooke, California.

9 Q And where do you work, sir?

10 A I work from my home.

11 Q What is your business?

12 A I run a company called Little Sisters Truck Wash.

13 Q What is the business of Little Sisters Truck Wash?

14 A We wash big-rig trucks.

15 Q Tractor-trailers?

16 A Tractor-trailers.

17 Q Are you married, sir?

18 A Yes, I am married.

19 Q Do you have any children?

20 A I have one daughter.

21 Q Did there come a time when you invested with Grayson
22 Hewitt?

23 A Yes.

24 Q Approximately when did you first invest with Grayson
25 Hewitt?

Anelle - direct - Yaeger

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1 A January of 2011.

2 Q Who was the first person that you dealt with at Grayson
3 Hewitt?

4 A The first person I recall is a Mr. Lee Berman -- Lance
5 Berman.

6 Q If you could take out Government's Exhibit 80, please, in
7 that stack of documents beside you?

8 Do you recognize Government's Exhibit 80.

9 A Yes.

10 Q Is that Mr. Berman's business card that he sent you?

11 A Yes, it is.

12 MR. YAEGER: The government offers Exhibit 80.

13 MR. GOLD: No objection.

14 THE COURT: Received.

15 (So marked.)

16 Q What is the motto written beneath the name Grayson
17 Hewitt, Mr. Anelle?

18 A The motto says "Providing cash you need before your
19 lawsuit settles."

20 Q What did Mr. Berman say that Grayson Hewitt's business
21 was?

22 A He told me that they provided funds for victims or
23 families that had a lawsuit that was going to be settled and
24 they needed money earlier and most likely they would receive
25 funds, and so they would buy into this settlement and take a

Anelle - direct - Yaeger

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1 portion of the settlement for advancing funds against future
2 revenue.

3 Q What did Lance Berman say that you would get out of
4 investing with Grayson Hewitt?

5 A Fifteen percent of the money I invested.

6 Q And then the return of your principal, as well?

7 A And return of my principal, yes.

8 Q If you could turn to Government's Exhibit 81, please. Do
9 you recognize this?

10 A Yes, I do.

11 Q What is it?

12 A It's a fixed-income contract.

13 Q Is that your signature at the bottom of Government's
14 Exhibit 81?

15 A Yes, it is.

16 Q Is this the contract you entered into with Grayson
17 Hewitt?

18 A Yes, it is.

19 MR. YAEGER: The government offers Exhibit 81.

20 MR. GOLD: No objection.

21 THE COURT: Received.

22 (So marked.)

23 Q If you could turn now to Government's Exhibit 82. Do you
24 see that in your stack?

25 A Can you repeat your question, sir?

Anelle - direct - Yaeger

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1 Q Do you see Government's Exhibit 82 in your stack of
2 documents?

3 A Yes, I do.

4 Q Is that a letter you received from Samuel Freed?

5 A Yes, it is.

6 MR. YAEGER: The government offers Exhibit 82.

7 MR. GOLD: No objection.

8 THE COURT: Received.

9 (So marked.)

10 Q We were talking before about Lance Berman. When did you
11 start speaking to Sam Freed?

12 A I recall approximately May or June of 2011.

13 Q How did that come about?

14 A Lance Berman was, I guess, removed from the company, and
15 Sam Freed called me and took over my account.

16 Q Sam Freed. And did you ever talk to Sam Freed about the
17 location of his office?

18 A Yes, I did.

19 Q Tell the jury about that conversation, please.

20 A I decided to look on Google maps at the location of his
21 office at 1204 Avenue U, Suite 109 in Brooklyn, New York. So,
22 I put it in Google Maps, and took a look at the location from
23 a street-view section of the maps, and I was surprised to find
24 that there didn't appear to be a commercial office building,
25 but appeared to be retail stores on the bottom, and maybe

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1 apartments on top.

2 Q So, did you ask Mr. Freed why it appeared to be a
3 residential building?

4 A Yes, I did.

5 Q What did he say?

6 A Mr. Freed answered that his offices were upstairs, and
7 that they were -- they were there because they didn't need a
8 fancy office and kept their overhead under control by doing
9 such.

10 Q Were you satisfied with his answer?

11 A Not really. Concerned.

12 Q Turning to this letter -- other portions of this letter,
13 Government's Exhibit 82, Freed writes -- he's giving a
14 detailed explanation of his offer, and what does this second
15 paragraph of his letter explain to you, the one that
16 begins "For every \$4 that you deposit"?

17 A What I was told, that -- he was trying to encourage me to
18 put more money into an investment with them, that any capital
19 that was put in, for every \$4, I would receive a share of
20 their impending Initial Public Offering.

21 Q Did Mr. Freed tell you exactly when that Initial Public
22 Offering or IPO was going to happen?

23 A No exact date other than the fact that it would be very
24 soon.

25 Q Approximately when did you receive this letter that is

Anelle - direct - Yaeger

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1 Government's Exhibit 82?

2 A Being that it's not dated, I recall it was in August or
3 September of 2011.

4 Q I'm going to return now to Government's Exhibit 81 -- I'm
5 sorry. Before I do: Did you make an additional investment
6 beyond your 5,000 with Lance Berman?

7 A No, I did not.

8 Q Did you make any additional investments with Sam Freed
9 after he gave you this letter?

10 A No, I did not.

11 Q Why not?

12 A I was not comfortable with the investment at that time.

13 Q Why?

14 A It just seemed --

15 MR. GOLD: Objection, your Honor.

16 Q Wait.

17 THE COURT: Overruled.

18 Q Now, you may answer.

19 A It just seemed that this was just too good to be true,
20 and they were pushing for more money, and I just didn't --
21 didn't mix well with my thought process and my understanding.

22 Q I'm going to return now to Government's Exhibit 81
23 already in evidence?

24 So, what was the amount of your investment that you
25 did make with Grayson Hewitt, Mr. Anelle.

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1 A \$5,000.

2 Q And what was the amount of interest you were to receive
3 annually, the percentage?

4 A Fifteen percent of \$5,000, which was supposed to be given
5 to my by auto deposit into my account.

6 Q How much were you to receive each month in the auto
7 deposit?

8 A \$62.50.

9 Q Is that indicated here on the right-hand side of the
10 contract?

11 A Yes.

12 Q If you could turn in your stack of documents to
13 Government's Exhibit 68, which is already in evidence. I'll
14 place it on the viewer, as well. I'm placing it so the
15 exhibit sticker is upside-down. Do you recognize here this
16 word that is written on this portion of Government's Exhibit
17 68 where I am pointing?

18 A Yes, I do.

19 Q What is it?

20 A It appears to be my name.

21 Q Slightly misspelled?

22 A The name misspelled. It's one N, and he has two in it.

23 Q Beneath your name, to the right-hand side, what is
24 written?

25 A "62.5 - 5k."

1 Q What do you understand "5k" to mean?

2 A I understand it to mean 5,000.

3 Q And how much did you receive each month under your
4 contract?

5 A \$62.50.

6 Q If we could turn back to Government's Exhibit 81. What
7 is the maturity date on your contract?

8 A The maturity date on my contract was January 15, 2012.

9 Q After that date arrived, did you receive your \$5,000
10 back?

11 A No, I did not.

12 MR. YAEGER: No further questions.

13 THE COURT: Mr. Gold.

14 MR. GOLD: No questions, your Honor.

15 THE COURT: Thank you, Mr. Anelle, you are excused.

16 (Witness excused.)

17 THE COURT: Now, is it my understanding that you
18 have no other witnesses for today?

19 MR. YAEGER: Yes, your Honor, correct.

20 THE COURT: I'm sorry?

21 MR. YAEGER: Yes, your Honor.

22 THE COURT: Apparently, we have been moving too
23 rapidly. The government has no more witnesses for today, so
24 we'll recess early, and we'll resume on Monday at 10:00
25 o'clock. I hope you have a pleasant weekend. Please don't

1 discuss the case at all, wait until the case is over, and then
2 you can discuss it as much as you like.

3 Don't talk about it at all with anybody until then.

4 Have a wonderful weekend, and I'll see you at 10:00
5 o'clock promptly Monday morning. Thank you.

6 (Jury excused.)

7 THE COURT: Is there anything else that needs my
8 attention?

9 MR. LERER: Yes, your Honor. The government's trial
10 brief mentioned the possibility of putting into evidence
11 statements the defendant made on his own behalf in court
12 appearances.

13 THE COURT: Yes.

14 MR. LERER: I don't know that we will put in all the
15 statements. If we were to put in any of them, it would be on
16 Monday. I'm just drawing the Court's attention to the issue.

17 MR. GOLD: These are the ones where he makes a
18 statement about being in debt.

19 MR. LERER: In debt, and about being in one place
20 and making calls when he's in another.

21 THE COURT: A phone call from MDC, also on Monday?

22 MR. LERER: The MDC call was stipulated to. We
23 didn't need to put on that witness.

24 MR. GOLD: We truncated it, so it didn't announce
25 itself as being a prison call.

1 THE COURT: Is that going to be played?

2 MR. LERER: It was played during the Inspector
3 Purnavel's testimony. We did not call it the prison call.

4 MR. YAEGER: It's Government's Exhibit 67.

5 THE COURT: What else?

6 MR. LERER: We don't have anything else to raise.
7 We'll bring to Mr. Gold's attention the names of the witnesses
8 for Monday, and we expect to rest on Monday.

9 THE COURT: Have you had an opportunity to look at
10 the government's requests to charge?

11 MR. GOLD: Honestly, no, your Honor.

12 THE COURT: Do you have a copy of them?

13 MR. GOLD: I'm told it was on ECF. I didn't look.

14 THE COURT: Why don't you make a copy of it
15 available to Mr. Gold.

16 MR. GOLD: I'm sure it's on ECF.

17 THE COURT: We have a little time. Do you want to
18 go through it this afternoon, if you would like?

19 MR. GOLD: If I may, your Honor, and I
20 appreciate --

21 THE COURT: The answer is, no, I take it?

22 MR. GOLD: I would like to spend this time with
23 Mr. Liounis while he's here, so I can start deciding on a
24 defense case. I think everyone would like to know.

25 THE COURT: All right. I'll see you on Monday.

1 MR. GOLD: Thank you, your Honor. Have a good
2 weekend.

3 MR. YAEGER: Thank you, your Honor.

4 (Case adjourned to Monday, February 3, 2014
5 at 10:00 a.m.)
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I N D E X

W I T N E S S E S:

Veronica Loesch 526

DIRECT EXAMINATION 526

532

Mark Leonidov

DIRECT EXAMINATION 532

CROSS-EXAMINATION 541

542

Richard Cinnamo

DIRECT EXAMINATION 542

CROSS-EXAMINATION 552

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BRIAN PARKHILL

DIRECT EXAMINATION 555

CROSS-EXAMINATION 560

563

DENNIS LAMANTIA

DIRECT EXAMINATION 563

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R E N A L D A N E L L E

DIRECT EXAMINATION 591

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